

SENATE AMENDMENTS

2nd Printing

By: Huberty

H.B. No. 1035

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the filing of reports of political contributions and
3 expenditures and of personal financial statements by certain
4 officeholders and candidates.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 254.036, Election Code, is amended by
7 adding Subsection (f) to read as follows:

8 (f) In prescribing the format of a report filed under this
9 chapter with an authority other than the commission, the commission
10 shall ensure that:

11 (1) a report may be filed:

12 (A) by first-class United States mail or common
13 or contract carrier;

14 (B) by personal delivery; or

15 (C) by electronic filing, if the authority with
16 whom the report is required to be filed has adopted rules and
17 procedures to provide for the electronic filing of the report and
18 the report is filed in accordance with those rules and procedures;
19 and

20 (2) an authority with whom a report is electronically
21 filed issues an electronic receipt for the report to the person
22 filing the report.

23 SECTION 2. Section 145.004, Local Government Code, is
24 amended by amending Subsection (d) and adding Subsection (g) to

1 read as follows:

2 (d) Except as provided in Subsection (g), the [~~The~~]
3 timeliness of the filing is governed by Section 572.029, Government
4 Code.

5 (g) A person is considered to have timely filed a financial
6 statement under this chapter if:

7 (1) the statement is personally delivered not later
8 than 5 p.m. of the last day for filing the statement; or

9 (2) the clerk or secretary of the municipality with
10 whom the statement is required to be filed has adopted rules and
11 procedures to provide for the electronic filing of the statement
12 and the statement is electronically filed in accordance with those
13 rules and procedures not later than midnight of the last day for
14 filing the statement.

15 SECTION 3. Section 159.004, Local Government Code, is
16 amended by amending Subsection (b) and adding Subsection (e) to
17 read as follows:

18 (b) Except as provided in Subsection (e), the [~~The~~]
19 timeliness of the filing is governed by Section 572.029, Government
20 Code.

21 (e) A person is considered to have timely filed a financial
22 statement under this subchapter if:

23 (1) the statement is personally delivered not later
24 than 5 p.m. of the last day for filing the statement; or

25 (2) the county clerk with whom the statement is
26 required to be filed has adopted rules and procedures to provide for
27 the electronic filing of the statement and the statement is

1 electronically filed in accordance with those rules and procedures
2 not later than midnight of the last day for filing the statement.

3 SECTION 4. Subchapter B, Chapter 159, Local Government
4 Code, is amended by adding Section 159.0341 to read as follows:

5 Sec. 159.0341. TIMELINESS OF FILING. A person is
6 considered to have timely filed a report under this subchapter if:

7 (1) the report is filed in accordance with Section
8 572.029, Government Code;

9 (2) the report is personally delivered not later than
10 5 p.m. of the last day for filing the report; or

11 (3) the officer with whom the report is required to be
12 filed has adopted rules and procedures to provide for the
13 electronic filing of the report and the report is electronically
14 filed in accordance with those rules and procedures not later than
15 midnight of the last day for filing the report.

16 SECTION 5. Section 159.053, Local Government Code, is
17 amended by amending Subsection (b) and adding Subsection (c) to
18 read as follows:

19 (b) Except as provided in Subsection (c), the [~~The~~]
20 timeliness of the filing is governed by Section 572.029, Government
21 Code.

22 (c) A person is considered to have timely filed a financial
23 statement under this subchapter if:

24 (1) the statement is personally delivered not later
25 than 5 p.m. of the last day for filing the statement; or

26 (2) the county clerk with whom the statement is
27 required to be filed has adopted rules and procedures to provide for

1 the electronic filing of the statement and the statement is
2 electronically filed in accordance with those rules and procedures
3 not later than midnight of the last day for filing the statement.

4 SECTION 6. (a) Section 254.036, Election Code, as amended
5 by this Act, applies only to a report required to be filed under
6 Chapter 254, Election Code, that is due on or after January 1, 2014.
7 A report required to be filed under Chapter 254, Election Code, that
8 is due before January 1, 2014, is governed by the law in effect on
9 the date the report is due, and the former law is continued in
10 effect for that purpose.

11 (b) Section 145.004, Local Government Code, as amended by
12 this Act, applies only to a financial statement required to be filed
13 under Chapter 145, Local Government Code, that is due on or after
14 January 1, 2014. A financial statement required to be filed under
15 Chapter 145, Local Government Code, that is due before January 1,
16 2014, is governed by the law in effect on the date the financial
17 statement is due, and the former law is continued in effect for that
18 purpose.

19 (c) The changes in law made by this Act to Chapter 159, Local
20 Government Code, apply only to a financial statement or report
21 required to be filed under that chapter that is due on or after
22 January 1, 2014. A financial statement or report required to be
23 filed under Chapter 159, Local Government Code, that is due before
24 January 1, 2014, is governed by the law in effect on the date the
25 financial statement or report is due, and the former law is
26 continued in effect for that purpose.

27 SECTION 7. This Act takes effect September 1, 2013.

ADOPTED

MAY 20 2013

John C. Sharp
Speaker of the House



By: _____

H.B. No. 1035

Substitute the following for ____B. No. _____:

By: *Frank*

C.S. H.B. No. 1035

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2 relating to the filing of reports of political contributions and
3 expenditures and of personal financial statements by certain
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6 SECTION 1. Section 254.036, Election Code, is amended by
7 adding Subsection (f) to read as follows:

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9 chapter with an authority other than the commission, the commission
10 shall ensure that:

11 (1) a report may be filed:

12 (A) by first class United States mail or common
13 or contract carrier;

14 (B) by personal delivery; or

15 (C) by electronic filing, if the authority with
16 whom the report is required to be filed has adopted rules and
17 procedures to provide for the electronic filing of the report and
18 the report is filed in accordance with those rules and procedures;
19 and

20 (2) an authority with whom a report is electronically
21 filed issues an electronic receipt for the report to the person
22 filing the report.

23 SECTION 2. Section 145.004, Local Government Code, is
24 amended by amending Subsection (d) and adding Subsection (g) to

1 read as follows:

2 (d) Except as provided in Subsection (g), the [~~The~~]
3 timeliness of the filing is governed by Section 572.029, Government
4 Code.

5 (g) A person is considered to have timely filed a financial
6 statement under this chapter if:

7 (1) the statement is personally delivered not later
8 than 5 p.m. of the last day for filing the statement; or

9 (2) the clerk or secretary of the municipality with
10 whom the statement is required to be filed has adopted rules and
11 procedures to provide for the electronic filing of the statement
12 and the statement is electronically filed in accordance with those
13 rules and procedures not later than midnight of the last day for
14 filing the statement.

15 SECTION 3. Section 159.004, Local Government Code, is
16 amended by amending Subsection (b) and adding Subsections (e) and
17 (f) to read as follows:

18 (b) Except as provided in Subsection (e), the [~~The~~]
19 timeliness of the filing is governed by Section 572.029, Government
20 Code.

21 (e) A person is considered to have timely filed a financial
22 statement under this subchapter if:

23 (1) the statement is personally delivered not later
24 than 5 p.m. of the last day for filing the statement; or

25 (2) the county clerk with whom the statement is
26 required to be filed has adopted rules and procedures to provide for
27 the electronic filing of the statement and the statement is

1 electronically filed in accordance with those rules and procedures
2 not later than midnight of the last day for filing the statement.

3 (f) A county clerk may adopt rules and procedures under this
4 section relating only to the manner in which a person must
5 electronically file a financial statement and the required format
6 of an electronically filed statement.

7 SECTION 4. Subchapter B, Chapter 159, Local Government
8 Code, is amended by adding Section 159.0341 to read as follows:

9 Sec. 159.0341. TIMELINESS OF FILING. (a) A person is
10 considered to have timely filed a report under this subchapter if:

11 (1) the report is filed in accordance with Section
12 572.029, Government Code;

13 (2) the report is personally delivered not later than
14 5 p.m. of the last day for filing the report; or

15 (3) the officer with whom the report is required to be
16 filed has adopted rules and procedures to provide for the
17 electronic filing of the report and the report is electronically
18 filed in accordance with those rules and procedures not later than
19 midnight of the last day for filing the report.

20 (b) An officer with whom a report is required to be filed
21 under this subchapter may adopt rules and procedures under this
22 section relating only to the manner in which a person must
23 electronically file a report and the required format of an
24 electronically filed report.

25 SECTION 5. Section 159.053, Local Government Code, is
26 amended by amending Subsection (b) and adding Subsection (c) to
27 read as follows:

1 (b) Except as provided in Subsection (c), the ~~[The]~~
2 timeliness of the filing is governed by Section 572.029, Government
3 Code.

4 (c) A person is considered to have timely filed a financial
5 statement under this subchapter if:

6 (1) the statement is personally delivered not later
7 than 5 p.m. of the last day for filing the statement; or

8 (2) the county clerk with whom the statement is
9 required to be filed has adopted rules and procedures to provide for
10 the electronic filing of the statement and the statement is
11 electronically filed in accordance with those rules and procedures
12 not later than midnight of the last day for filing the statement.

13 SECTION 6. (a) Section 254.036, Election Code, as amended
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15 Chapter 254, Election Code, that is due on or after January 1, 2014.
16 A report required to be filed under Chapter 254, Election Code, that
17 is due before January 1, 2014, is governed by the law in effect on
18 the date the report is due, and the former law is continued in
19 effect for that purpose.

20 (b) Section 145.004, Local Government Code, as amended by
21 this Act, applies only to a financial statement required to be filed
22 under Chapter 145, Local Government Code, that is due on or after
23 January 1, 2014. A financial statement required to be filed under
24 Chapter 145, Local Government Code, that is due before January 1,
25 2014, is governed by the law in effect on the date the financial
26 statement is due, and the former law is continued in effect for that
27 purpose.

1 (c) The changes in law made by this Act to Chapter 159, Local
2 Government Code, apply only to a financial statement or report
3 required to be filed under that chapter that is due on or after
4 January 1, 2014. A financial statement or report required to be
5 filed under Chapter 159, Local Government Code, that is due before
6 January 1, 2014, is governed by the law in effect on the date the
7 financial statement or report is due, and the former law is
8 continued in effect for that purpose.

9 SECTION 7. This Act takes effect September 1, 2013.

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 21, 2013

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1035 by Huberty (Relating to the filing of reports of political contributions and expenditures and of personal financial statements by certain officeholders and candidates.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the Election Code to require the Ethics Commission to ensure that reports filed with authorities other than the Commission are filed by (a) first class mail; (b) personal delivery; or (c) electronic filing. The Ethics Commission would be required to update guidelines based on this change, however it is anticipated any costs associated with implementing the legislation could be absorbed within the agency. The bill would also amend the Local Government Code to define the requirements for a report to be considered filed on time.

The bill would take effect September 1, 2013.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 356 Texas Ethics Commission

LBB Staff: UP, SD, AG, KJo, EP, EMo, KKR

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 15, 2013

TO: Honorable Robert Duncan, Chair, Senate Committee on State Affairs

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1035 by Huberty (Relating to the filing of reports of political contributions and expenditures and of personal financial statements by certain officeholders and candidates.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Election Code to require the Ethics Commission to ensure that reports filed with authorities other than the Commission are filed by (a) first class mail; (b) personal delivery; or (c) electronic filing. The Ethics Commission would be required to update guidelines based on this change, however it is anticipated any costs associated with implementing the legislation could be absorbed within the agency. The bill would also amend the Local Government Code to define the requirements for a report to be considered filed on time.

The bill would take effect September 1, 2013.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 356 Texas Ethics Commission

LBB Staff: UP, AG, KJo, EP, EMo, KKR

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 14, 2013

TO: Honorable Robert Duncan, Chair, Senate Committee on State Affairs

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1035 by Huberty (Relating to the filing of reports of political contributions and expenditures and of personal financial statements by certain officeholders and candidates.), **As Engrossed**

<p>No significant fiscal implication to the State is anticipated.</p>
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The bill would amend the Election Code to require the Ethics Commission to ensure that reports filed with authorities other than the Commission are filed by (a) first class mail; (b) personal delivery; or (c) electronic filing. The Ethics Commission would be required to update guidelines based on this change, however it is anticipated any costs associated with implementing the legislation could be absorbed within the agency. The bill would also amend the Local Government Code to define the requirements for a report to be considered filed on time.

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Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 356 Texas Ethics Commission

LBB Staff: UP, AG, KJo, EP, EMo, KKR

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

March 3, 2013

TO: Honorable Geanie Morrison, Chair, House Committee On Elections

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1035 by Huberty (Relating to the filing of reports of political contributions and expenditures and of personal financial statements by certain officeholders and candidates.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Election Code to require the Ethics Commission to ensure that reports filed with authorities other than the Commission are filed by (a) first class mail; (b) personal delivery; or (c) electronic filing. The Ethics Commission would be required to update guidelines based on this change, however it is anticipated any costs associated with implementing the legislation could be absorbed within the agency. The bill would also amend the Local Government Code to define the requirements for a report to be considered filed on time.

The bill would take effect September 1, 2013.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

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